



Paul J. Labov

August 26, 2024

212.561.7783  
plabov@pszjlaw.com

## LOS ANGELES

10100 SANTA MONICA BLVD. 13<sup>TH</sup> FL.  
LOS ANGELES, CALIFORNIA 90067-4003  
310.277.6910

## NEW YORK

780 THIRD AVENUE. 34<sup>TH</sup> FL.  
NEW YORK, NEW YORK 10017-2024  
212.561.7700

## WILMINGTON

919 NORTH MARKET STREET, 17<sup>TH</sup> FLOOR,  
P.O. BOX 8705  
WILMINGTON, DELAWARE 19899-8705  
302.652.4100

## HOUSTON

700 LOUISIANA STREET, STE. 4500  
HOUSTON, TEXAS 77002  
713.691.9385

## SAN FRANCISCO

ONE SANSOME STREET, 34<sup>TH</sup> FL. STE. 3430  
SAN FRANCISCO, CALIFORNIA 94104  
415.263.7000

### **Via ECF and Electronic Mail**

The Honorable Vincent F. Papalia  
United States Bankruptcy Judge  
District of New Jersey  
50 Walnut Street, Courtroom 3B  
Newark, New Jersey 07102

Re: **Bed Bath & Beyond, Inc.,  
Case No. 23-13359 (VFP)  
Second Joint Status Report - Stay Relief Motions  
and Personal Injury Claim Resolution Procedures  
Motion**

Dear Judge Papalia:

This firm represents Michael Goldberg in his capacity as the Plan Administrator (the "Plan Administrator") to 20230930-DK-Butterfly-1, Inc. (f/k/a Bed Bath & Beyond, Inc.). This correspondence is in furtherance of Your Honor's request for a joint status report in connection with the parties progress in formulating estimation or resolution procedures<sup>1</sup> in connection with personal injury claims. We previously provided you status updates on July 8, 2024 and July 22, 2024, which appear on this Court's Docket at Docket Nos. 3345 and 3352, respectively.

Per Your Honor's direction, the parties, including (i) the Plan Administrator, (ii) movant Alfred Zeve, (iii) movants Penelope Duczkowski and Joseph Duczkowski, and (iv) Safety National Casualty Corp., each by and through their respective counsel (collectively (i)-(iv), the "Parties"), are continuing to make material progress in preparing a comprehensive set of alternative dispute

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<sup>1</sup> Capitalized terms not defined herein shall have the same meaning ascribed to them in the May 30, 2024, correspondence to the Court, filed at Docket No. 3304, or as otherwise provided herein.



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resolution procedures (the “ADR Procedures”), specifically designed to promptly address personal injury claims in a fair and efficient manner. The Parties have made substantial process in negotiating a mutually agreeable set of ADR Procedures and are in what we hope are the final stages of finishing those procedures. Once finalized, we will file a motion seeking to approve the ADR Procedures.

This Court previously established a status conference on the ADR Procedures and as a carry date on the Motions (the “Status Conference”), which is currently set for August 27, 2024, at 10:00 a.m. The Parties have agreed to a continuance of the Status Conference as they continue to prepare the ADR Procedures, and request this Court continue the status conference to the exiting hearing date of September 10, 2024, at 10:00 a.m.

Respectfully submitted,

*/s/ Paul J. Labov*

Paul J. Labov

PJL

cc: Michael I. Goldberg, Esq. (*via email*)  
David H. Stein, Esq. (*via email*)  
Richard J. Corbi, Esq. (*via email*)  
Caleb T. Holzaepfel, Esq (*via email*)  
J. Fred Lorusso, Esq. (*via email*)  
Bradford J. Sandler, Esq. (*via email*)  
David B. Pizzica, Esq. (*via email*)